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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**
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12 KEVIN ZIMMERMAN, an individual;

13 Plaintiff,

14 v.

15 YSR, Inc.

16 Defendant.
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CASE NO.: 2:17-cv-00438-GMN-GWF

**STIPULATION AND ~~PROPOSED~~ ORDER
FOR EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING TO PLAINTIFF'S
COMPLAINT**

(First Request)

19 Defendant, YSR, Inc. (hereinafter "Defendant"), by and through its counsel of record,
20 SHERI M. THOME, ESQ. and CHAD BUTTERFIELD, ESQ., of the law firm WILSON, ELSER,
21 MOSKOWITZ, EDELMAN & DICKER LLP, and Plaintiff, KEVIN ZIMMERMAN, by and
22 through his counsel of record, WHITNEY C. WILCHER, ESQ. of the law offices of THE
23 WILCHER FIRM hereby stipulate and agree to extend the deadline for filing a responsive pleading
24 to May 31, 2017.

25 Plaintiff has represented to Defendant that service of the summons and complaint in this
26 matter were effected on April 17, 2017. Based on that representation, Defendant's responsive
27 pleading was originally due on or before May 8, 2017. Plaintiff has graciously agreed to extend the
28 responsive pleading deadline to May 31, 2017.

1 This stipulation is submitted in compliance with LR IA 6-1. Good cause exists for the
2 requested extension, as Defendant is in the process of conducting an internal survey with respect to
3 the alleged ADA violations identified in the Complaint. The results of this survey are necessary for
4 Defendant to form its defense strategy in this case. Accordingly, the parties agree that the requested
5 extension furthers the interests of this litigation and is not being requested in bad faith or to delay
6 these proceedings unnecessarily.

7 The parties' failure to file this stipulation on or before May 8, 2017 was the result of
8 excusable neglect, as Defendant was unaware of the date of service of the summons and complaint
9 until after the deadline had already expired. Defendant had requested from Plaintiff the date of
10 service of the summons and complaint, which Plaintiff only recently provided. Accordingly, the
11 parties respectfully submit that the failure to file this stipulation on or before the expiration of the
12 original responsive pleading deadline was the result of excusable neglect.

13 This is the parties' first request for extension of the deadline.

14 DATED this 12th day of May, 2017.

15 **WILSON, ELSER, MOSKOWITZ,**
16 **EDELMAN & DICKER LLP**

17 /s/ Sheri M. Thome

18 Sheri M. Thome, Esq.
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24 *Attorneys for Defendant YSR, Inc.*

25 DATED this 12th day of May, 2017.

26 **THE WILCHER FIRM**

27 /s/ Whitney C. Wilcher

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ORDER

GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated this 15th day of _____May _____, 2017.


UNITED STATES MAGISTRATE JUDGE